REMARKS/ARGUMENTS

The Office Action of January 3, 2008, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 3, 5, 9, 16, 21, 22, 24-30, and 37 have been amended. No new subject matter has been added. Claims 1, 3-42 and 44 remain pending. Reconsideration and allowance of the application are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 21 and 36 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. This rejection is traversed.

Applicants note that the Office Action at page 4, paragraph 9, indicates that the section 112 rejections as applied to claims 21 and 36 have been withdrawn. The Office Action at page 4, paragraphs 10-12 then proceeds to reject claims 21 and 36 based on the phrase "quasi-error-free" allegedly being a relative term which renders the claims indefinite.

Applicants note that the section 112, second paragraph rejections of claims 21 and 36 on the basis of the phrase "quasi-error-free" was raised in the Office Action dated January 9, 2007, at page 4. Applicants' Amendment dated April 5, 2007, at page 11 addressed a rejection of this nature. The Office acknowledged Applicants' Amendment in this respect in the Office Action dated June 14, 2007, at page 2, finding Applicants' remarks to have been persuasive and withdrawing the section 112, second paragraph rejection based on the use of the phrase "quasi-error-free" in the referenced claims.

Applicants assume that the Office did not intend to apply a section 112, second paragraph rejection to claims 21 and 36 in the present Office Action (dated January 3, 2008) on the basis of the phrase "quasi-error-free" given the prosecution history. In the event that it was the Office's intention to include such a rejection, Applicants refer the Office to the Amendment dated April 5, 2007, at page 11, and incorporate the remarks included therein with respect to such a rejection.

Applicants respectfully request clarification in the next communication if the rejection is maintained.

Rejections Under 35 U.S.C. § 103

Claims 1 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson (U.S. Pat. No. 5,513,246) in view of Chen (U.S. Pat. No. 6,731,936).

Claims 24-29, 31, 33-35, 41, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Chen, and further in view of Malek (U.S. Pat. No. 5,822,313).

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Chen, and further in view of Ahopelto (U.S. Pat. No. 5,970,059)[1].

Claims 21, 23, and 36-38 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and further in view of Malek.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Malek, and further in view of Taketsugu (U.S. Pat. No. 5,420,863).

Claims 9-14, 16, 18-20, and 39 stand rejected under 35 U.S.C. §103(a) as unpatentable over Jonsson in view of Chen, and further in view of Makinen (U.S. Pat. No. 5,764,700).

Claim 17 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Makinen, and further in view of Doshi (U.S. Pat. No. 5,936,965).

Claim 32 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Malek, and further in view of Doshi.

Claims 40 and 44 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Makinen, and further in view of Malek.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Makinen, and further in view of Lim (U.S. Pat. No. 6,766,168).

Claim 30 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jonsson in view of Chen and Malek, and further in view of Lim.

These rejections are traversed for at least the following reasons.

Independent claim 1 recites, among other features, "the mobile terminal switching reception from said first wireless transmitter to said second wireless transmitter *after a first*

[1] The Office Action at pages 10-11 also relies on Official Notice in rejecting claim 4.

digital video broadcasting signal transmission burst has been received and before a second digital video broadcasting signal transmission burst has been received, wherein the first digital video broadcasting signal transmission burst and the second digital video broadcasting signal transmission burst are included in a series of periodic bursts." The Office Action at pages 5-6 fails to address the feature of "*before a second digital video broadcasting signal transmission burst has been received*" as recited in claim 1. Both Jonsson and Chen fail to teach or suggest such a feature. Instead, Jonsson merely describes a cellular mobile radiotelephone system wherein a locating routine checks to see if there is a better cell in terms of lower path loss or greater signal strength than a present (servicing) cell, and if there is a better cell than the present cell, a mobile services center tries to allocate a channel in the better cell, and if successful, a handover is attempted. See Jonsson at Abstract and col. 10, line 3 – col. 11, line 45. Chen merely describes a broadcast communication system wherein a subscriber station combines synchronous transmissions of multiple sectors, and wherein the subscriber station monitors a forward broadcast shared channel (F-BSCH) to determine whether to retain a sector for monitoring (e.g., in an Active Set). See Chen at Abstract and col. 8, line 7 – col. 9, line 14. Thus, notwithstanding whether the proposed combination of applied references is proper, the combination fails to teach or suggest features related to "the mobile terminal switching reception from said first wireless transmitter to said second wireless transmitter *after a first digital video broadcasting signal transmission burst has been received and before a second digital video broadcasting signal transmission burst has been received, wherein the first digital video broadcasting signal transmission burst and the second digital video broadcasting signal transmission burst are included in a series of periodic bursts.*" Accordingly, claim 1 is allowable for at least these reasons.

Dependent claims 6-8, which depend from claim 1, are allowable for at least the same reasons as claim 1.

Independent claim 24 recites, among other features, computer-readable media storing executable instructions that, when executed by a processor, cause a device to "switch reception by the digital broadcast receiver from the first digital video broadcasting wireless transmitter to a second digital video broadcasting wireless transmitter of the plurality of wireless transmitters

after reception of said first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital video broadcasting wireless transmitters." The Office Action at page 7 asserts that Malek at col. 6, lines 31-35, col. 3, lines 56-67 and col. 4, lines 10-14 discloses the recited features. Applicants disagree that the cited passages in Malek (or any passages in Malek for that matter) disclose the recited features.

Malek merely describes a TDMA controller wherein time is characterized as a frame (e.g., frame 17) composed of a number of time slots (e.g., slots 0-7). See Malek at col. 2, lines 8-25 and Figure 2. Malek at col. 2, lines 8-25 discloses that a telephone may be allocated a first slot (e.g., slot 0) for transmitting a burst signal to a base station and a second slot (e.g., slot 4) for receiving a signal from a base station. Malek at col. 7, line 1 – col. 8, line 53 and Figures 6 and 8 describes a handover technique wherein when a handset is in the vicinity of an original first base station, but is transported to within an area supported by another (e.g., second) base station, the handset will use slots (e.g., slots A and B) associated with the first base station and slots (e.g., slots C and C) associated the second base station within a single frame until a sufficient criteria has been satisfied for CRC, RSSI and Invalid Words fields for a receiving slot (e.g., slot D) associated with the second base station, and once the criteria is satisfied, the handover is completed by dropping the slots (e.g., slots A and B) associated with the first base station.

Malek is silent with respect to features related to switching reception from a first digital video broadcasting wireless transmitter to a second digital video broadcasting wireless transmitter of a plurality of wireless transmitters *after reception of the first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital video broadcasting wireless transmitters* as recited in claim 24. In fact, Malek teaches away from the above-noted features because Malek demonstrates retaining communication in slots associated with both base stations.

The Office Action at page 7 correctly indicates that Jonsson fails to disclose the above-noted features as recited in claim 24. Chen also fails to disclose the recited features. Thus, notwithstanding whether any combination of Jonsson, Chen, and Malek is proper, the resultant combination fails to teach or suggest at least the above-noted features as recited in claim 24. Accordingly, claim 24 is allowable over the applied references.

Moreover, Applicants submit that one of ordinary skill in the art would not have had an apparent reason to combine Malek with Jonsson and Chen in the manner suggested in the Office Action with respect to claim 24. More specifically, and as noted above, Malek is directed to a TDMA controller which communicates on the basis of a bi-directional TDMA protocol. Conversely, claim 24 is directed to computer-readable media storing executable instructions that, when executed by a processor, cause a device to receive at a digital broadcast receiver included in the device a digital video broadcasting information from a plurality of synchronized digital video broadcasting wireless transmitters (e.g., a uni-directional communication protocol). Applicants submit that one of ordinary skill in the art would not have had an apparent reason at the time of the instant invention to incorporate (the bi-directional TDMA communications of) Malek with Jonsson and Chen to allegedly arrive at the features recited in claim 24. Applicants respectfully submit that the Office has applied impermissible hindsight to arrive at the proposed combination of applied references in a manner that would not even work due to inherent incompatibilities in the technologies. Thus, because the combination of applied references is improper, claim 24 is allowable for at least these additional reasons.

Dependent claims 25-29, which each depend from claim 24, are allowable for at least the same reasons as claim 24.

Independent claim 31 recites features similar to those described above with respect to claim 24, and is allowable for at least reasons substantially similar to those discussed above with respect to claim 24.

Dependent claims 33-35, 41, and 42, which each depend from at least one of claims 1 and 31, are allowable for at least the same reasons as their respective base claims.

Ahopelto fails to cure the above noted deficiencies of Jonsson and Chen with respect to claim 1. Thus, notwithstanding whether the combination is proper, the combination fails to result in the features recited in claim 1. Dependent claims 3-5, which each depend from claim 1, are allowable for at least the same reasons as claim 1.

Independent claim 21 recites, among other features, "*the mobile terminal deriving* a first bit error rate for digital video broadcasting information received form said first wireless transmitter; when said first bit error rate for said first wireless transmitter is greater than a

predefined quasi-error-free value, *the mobile terminal deriving* a second bit-error-rate for a second wireless transmitter." Applicants submit that the combination of Jonsson, Chen, and Malek fails to teach or suggest the features noted above as recited in claim 21. Thus, notwithstanding whether the combination is proper, the combination fails to teach or suggest all of the features as recited in claim 21. The Office Action at page 12 relies on Chen at col. 8, lines 10-13 and lines 28-32 to allegedly demonstrate the recited features. Applicants respectfully disagree that Chen at the cited passages (or any passages for that matter) teaches or suggests the above-noted features as recited in claim 21. Instead, Chen at col. 7, lines 22-26 and col. 8, lines 8-13 merely demonstrates a subscriber station *using* a quality metric of a forward link for deciding which forward broadcast channel shared channel (F-BSCH) transmitted by base stations 110 to monitor. Chen fails to teach or suggest the mobile terminal *deriving* a bit error rate as recited in claim 21. Malek and Jonsson fail to overcome the above-noted deficiencies of Chen with respect to claim 21. Thus, notwithstanding whether the proposed combination of references is proper, the applied references fail to teach or suggest at least the noted features as recited in claim 21.

In the event that the Office continues to maintain a rejection of the above-noted features as recited in claim 21 based (primarily) on Chen, Applicants respectfully request the Office to provide a specific statement as to *how* Chen allegedly demonstrates the recited features. For at least the foregoing reasons Applicants submit that Chen (and the additional applied references) fails to disclose such features. As such, claim 21 is allowable for at least the foregoing reasons.

Moreover, even assuming (without admitting) that the combination of Jonsson, Chen, and Malek was proper, Applicants submit that claim 21 represents a non-trivial improvement over the combination because a uni-directional communication (e.g., *receiving* digital video broadcasting as recited in claim 21) is a simplification of a more complex bi-directional (e.g., TDMA) communication protocol as described in Malek. Applicants submit that one of ordinary skill in the electronic and computer arts would appreciate the advantages of such a simplification, which include reduced signaling overhead (e.g., improved bandwidth utilization) and reduced power consumption/dissipation.

Furthermore, Applicants submit that the proposed combination of Malek with Jonsson and Chen is improper for reasons substantially similar to those discussed above with respect to claim 24, given the bi-directional nature of Malek in comparison with claim 21. Accordingly, because the combination of applied references is improper, claim 21 is allowable for at least these additional reasons.

Dependent claim 23, which depends from claim 21, is allowable for at least the same reasons as claim 21.

Independent claim 36 recites features similar to those described above with respect to claim 21. Claim 36 is allowable for at least those same reasons.

Dependent claims 37 and 38, which each depend from claim 36, are allowable for at least the same reasons as claims 36.

Taketsugu fails to cure the above noted deficiencies of Jonsson, Chen, and Malek with respect to claim 21. Thus, notwithstanding whether any combination of the references is proper, the resultant combination fails to result in the features of claim 21. Dependent claim 22, which depends from claim 21, is allowable for at least the same reasons as claim 21.

Amended independent claim 9 recites, among other features, "an election module for switching reception of the mobile terminal from the first wireless transmitter to the second wireless transmitter after reception of said first transmission burst has been completed *and before a consecutive second transmission burst is received from said second wireless transmitter.*" These features are similar to those described above with respect to claim 24. Makinen fails to cure the above noted deficiencies of Jonsson, Chen, and Malek with respect to claim 24. Thus, notwithstanding whether any combination of Jonsson, Chen, Malek and Makinen is proper, the combination fails to result in the features as recited in claim 9. Claim 9 is allowable for at least these reasons.

Dependent claims 10-14, which each depend from claim 9, are allowable for at least the same reasons as claim 9.

Amended independent claim 16 recites features similar to those described above with respect to claim 9. Claim 16 is allowable for at least those same reasons.

Dependent claims 18-20 and 39, which each depend from claim 16, are allowable for at least the same reasons as claim 16.

Dependent claim 17 is allowable for at least the same reasons as claim 16 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Doshi is proper, Doshi fails to cure the above noted deficiencies of Jonsson, Chen and Makinen with respect to claim 16.

Dependent claim 32 is allowable for at least the same reasons as claim 31 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Malek, and Doshi is proper, Doshi fails to cure the above noted deficiencies of Jonsson, Chen, and Malek with respect to claim 31.

Dependent claim 40 is allowable for at least the same reasons as claim 16 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Malek is proper, Malek fails to cure the above noted deficiencies of Jonsson, Chen, and Makinen with respect to claim 16.

Dependent claim 44 is allowable for at least the same reasons as claim 9 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Malek is proper, Malek fails to cure the above noted deficiencies of Jonsson, Chen, and Makinen with respect to claim 9.

Dependent claim 15 is allowable for at least the same reasons as claim 9 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Makinen, and Lim is proper, Lim fails to cure the above noted deficiencies of Jonsson, Chen, and Makinen with respect to claim 9.

Dependent claim 30 is allowable for at least the same reasons as claim 24 from which it depends, because, notwithstanding whether any combination of Jonsson, Chen, Malek, and Lim is proper, Lim fails to cure the above noted deficiencies of Jonsson, Chen and Malek with respect to claim 24.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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